

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#: \_\_\_\_\_  
DATE FILED: 1/5/2021

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

SISTEM MUHENDISLIK INSAAT SANAYI VE	:	
TICARET, A.S.,	:	
	:	
Plaintiff,	:	12-CV-4502 (ALC)
	:	
-against-	:	<b><u>ORDER ADOPTING</u></b>
	:	<b><u>REPORT AND</u></b>
<b>THE KYRGYZ REPUBLIC.,</b>	:	<b><u>RECOMMENDATION</u></b>
	:	
Defendant.	:	

---

**ANDREW L. CARTER, JR., District Judge:**

The factual and procedural history of this case is set forth in detail in Magistrate Judge Lehrburger’s and this Court’s previous orders. *See* ECF No. 175 (Order and Certification for Civil Contempt Pursuant to 28 U.S.C. § 636(e)(6); ECF No. 185 (adopting Certification and Report and Recommendation); ECF No. 205 (Report and Recommendation to deny the Republic’s motion to vacate sanctions and grant Sistem’s cross-motion for entry of judgment on sanctions); ECF No. 214 (adopting Report and Recommendation); ECF No. 246 (Report and Recommendation to grant motion to increase sanctions). Suffice it to say for the purposes of this opinion that the instant motion for increased sanctions arises out of Defendant Republic of Kyrgyz’s refusal to comply with outstanding orders and discovery for multiple years despite the Court previously imposing daily sanctions of \$5,000 per day. Additionally, Defendant has continued to engage in vexatious conduct, including by filing a motion to vacate existing sanctions which was “not even [] facially plausible,” ECF No. 214 at 4 n.2, 8; failing to cooperate with its own counsel, ECF Nos. 219, 252 (motions to withdraw as counsel); and submitting a letter styled as an objection to Sistem’s motion to increase sanctions which was “both substantively and procedurally problematic and demonstrative of bad faith.” ECF No. 246 at 5. On November 5, 2020, Judge Lehrburger issued a

Report and Recommendation (R&R) recommending that the Court grant Sistem's motion and increase Defendant's daily sanctions to \$15,000 per day.

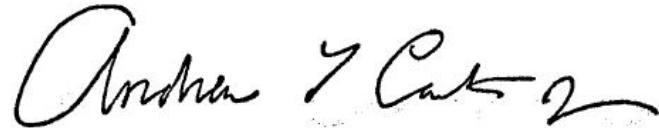
Despite notification of the right to object to the R&R, no objections were filed. Where no timely objections are made, the Court may adopt the R&R as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). Because there are no objections filed to the R&R and the Court finds no clear error in the record, the Court adopts Judge Lehrburger's Report and Recommendation in its entirety.

It is hereby ORDERED that Defendant's existing civil contempt sanctions are increased from \$5,000 per day to \$15,000 per day commencing thirty days after the entry of this order, terminating upon the Republic's satisfaction of the judgment or full compliance with all outstanding discovery demands arising from Judge Lehrburger's January 2018 discovery orders.

The Clerk of Court is directed to terminate ECF No. 227.

**SO ORDERED.**

Dated: January 5, 2021  
New York, New York



---

ANDREW L. CARTER, JR.  
United States District Judge